

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

THIRTY-EIGHTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 13, 2008

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Jaquet. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by James Cooper, Page.

Approval of Journal

February 13, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-seventh Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

February 8, 2008

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 340 and H 342

As Always - Idaho, "Esto Perpetua"
/s/ C. L. "Butch" Otter
Governor

February 12, 2008

Mr. Speaker:

I transmit herewith **S 1325** and **S 1311** which have passed the Senate.

WOOD, Secretary

S 1325 and **S 1311** were filed for first reading.

February 12, 2008

Mr. Speaker:

I return herewith **H 356**, **H 349**, **H 357**, **H 358**, and **HCR 36** which have passed the Senate.

WOOD, Secretary

H 356, **H 349**, **H 357**, **H 358**, and **HCR 36** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 13, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **HJM 9**, **HJM 10**, **HCR 42**, **HCR 43**, **H 514**, **H 515**, **H 516**, **H 517**, **H 518**, **H 519**, **H 520**, **H 521**, **H 522**, and **H 523**.

CLARK, Chairman

HJM 9 and **H 518** were referred to the State Affairs Committee.

HJM 10, **H 514**, and **H 515** were referred to the Resources and Conservation Committee.

HCR 42 and **HCR 43** were referred to the Health and Welfare Committee.

H 516 and **H 517** were referred to the Judiciary, Rules, and Administration Committee.

H 519, **H 520**, **H 521**, **H 522**, and **H 523** were referred to the Business Committee.

February 13, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 355**, **H 361**, and **H 362**.

CLARK, Chairman

The Speaker announced he was about to sign enrolled **H 355**, **H 361**, and **H 362**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 13, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 424** to the Governor at 11:59 a.m., as of this date, February 12, 2008.

CLARK, Chairman

February 12, 2008

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration **H 484** and **S 1305** and recommend that they do pass.

TRAIL, Chairman

H 484 and **S 1305** were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 524
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO ANNEXATION; AMENDING SECTION 50-222, IDAHO CODE, TO REVISE ANNEXATION CATEGORIES, TO REVISE THE EVIDENCE OF CONSENT TO ANNEXATION, TO REVISE PROCEDURES FOR EVIDENCE OF CONSENT FOR CATEGORY C ANNEXATIONS AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 525
BY LOCAL GOVERNMENT COMMITTEE
AN ACT**

RELATING TO THE LOCAL PLANNING ACT; AMENDING SECTION 67-6527, IDAHO CODE, TO PROVIDE FOR CIVIL PENALTIES IN CERTAIN INSTANCES, TO PROVIDE THAT A LEGALLY CONFORMING PROPERTY, USE OR STRUCTURE THAT IS RENDERED NONCONFORMING BY PRESCRIPTION, PURCHASE OR A TAKING PURSUANT TO THE POWER OF EMINENT DOMAIN, BY AN ENTITY OR AGENCY EMPOWERED TO CONDEMN PROPERTY SHALL BE DEEMED A CONFORMING PROPERTY, USE OR STRUCTURE AND IT SHALL RETAIN ALL DEVELOPMENT AND OTHER RIGHTS IT WOULD HAVE HAD AT THE TIME OF SUCH ACQUISITION AS IF SUCH PORTION OF THE SUBJECT PROPERTY HAD NOT BEEN ACQUIRED, WHICH RIGHTS SHALL RUN WITH THE LAND.

**HOUSE BILL NO. 526
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT**

RELATING TO SCRAP DEALERS; AMENDING SECTION 54-2702, IDAHO CODE, TO REVISE THE CONTENT OF RECORDS REQUIRED FOR PURCHASES OF SCRAP FOR TWENTY DOLLARS OR LESS AND TO MAKE TECHNICAL CHANGES.

**HOUSE BILL NO. 527
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT**

RELATING TO HIGHWAY DISTRICT COMMISSIONERS; AMENDING SECTION 40-1305, IDAHO CODE, TO PROVIDE THAT AN ALTERNATIVE TERM OF

OFFICE MAY BE ADOPTED UPON AGREEMENT OF A MAJORITY OF THE EXISTING BOARD OF HIGHWAY DISTRICT COMMISSIONERS.

**HOUSE BILL NO. 528
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT**

RELATING TO HIGHWAY DISTRICT ELECTIONS; AMENDING SECTION 40-1305A, IDAHO CODE, TO PROVIDE THAT HIGHWAY DISTRICT ELECTIONS SHALL BE CONDUCTED IN ACCORDANCE WITH THE GENERAL LAWS OF THE STATE INCLUDING THE PROVISIONS OF CHAPTER 14, TITLE 34, IDAHO CODE; AND REPEALING SECTIONS 40-1305B, 40-1305C, 40-1305D, 40-1305E, 40-1305F, 40-1305G, 40-1305H, 40-1305I, 40-1305J, 40-1305K, 40-1305L, 40-1305M, 40-1305N, 40-1305O, 40-1305P, 40-1305Q, 40-1305AA, 40-1305BB, 40-1305CC, 40-1305DD, 40-1305EE, 40-1305FF, 40-1305GG, 40-1305HH, 40-1305II, 40-1305JJ, 40-1305KK, 40-1305LL, 40-1305MM, 40-1305NN, 40-1305OO, 40-1305PP, 40-1305QQ, 40-1305RR AND 40-1305SS, IDAHO CODE, RELATING TO HIGHWAY DISTRICT ELECTIONS AS CONDUCTED AND ADMINISTERED ACCORDING TO HIGHWAY DISTRICT LAW.

**HOUSE BILL NO. 529
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO TAXATION OF ENERGY SYSTEMS USING GEOTHERMAL ENERGY; AMENDING SECTION 63-3501, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING SECTION 63-3502B, IDAHO CODE, TO PROVIDE FOR THE LEVY OF TAX ON GEOTHERMAL ENERGY ELECTRICAL PRODUCTION; AMENDING SECTION 63-3503B, IDAHO CODE, TO PROVIDE FOR FILING OPERATORS' STATEMENTS AND FOR THE ALLOTMENT AND APPORTIONMENT OF TAX DUE FROM PRODUCERS OF ELECTRICITY BY MEANS OF GEOTHERMAL ENERGY BY THE STATE TAX COMMISSION; AMENDING SECTION 63-3504, IDAHO CODE, TO PROVIDE REFERENCE TO A PRODUCER OF ELECTRICITY BY MEANS OF GEOTHERMAL ENERGY; AMENDING SECTION 63-3505, IDAHO CODE, TO PROVIDE REFERENCE TO A PRODUCER OF ELECTRICITY BY MEANS OF GEOTHERMAL ENERGY; AMENDING SECTION 63-3506, IDAHO CODE, TO PROVIDE REFERENCE TO A PRODUCER OF ELECTRICITY BY MEANS OF GEOTHERMAL ENERGY; AMENDING SECTION 63-3622QQ, IDAHO CODE, TO PROVIDE THAT MACHINERY AND EQUIPMENT INCLUDES CERTAIN OPERATING PROPERTY; AMENDING SECTION 63-602JJ, IDAHO CODE, TO PROVIDE A PROPERTY TAX EXEMPTION FOR CERTAIN OPERATING PROPERTY OF PRODUCERS OF ELECTRICITY BY MEANS OF GEOTHERMAL ENERGY; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 530
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO CIRCUIT BREAKER PROPERTY TAX RELIEF; AMENDING SECTION 63-701, IDAHO CODE, TO

PROVIDE FOR HOW INCOME IS DETERMINED FOR CERTAIN MARRIED INDIVIDUALS LIVING APART.

H 524, H 525, H 526, H 527, H 528, H 529, and H 530 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1325, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1311, by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

HCR 39, by Environment, Energy, and Technology Committee, was read the second time by title and filed for third reading.

H 431, H 438, H 469, and H 470, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

S 1260, S 1270, S 1271, and S 1272, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

H 348, as amended, **H 403**, as amended, and **H 446**, as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

H 417, as amended, **H 410**, as amended, and **H 408**, as amended, by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

H 376, as amended, by Health and Welfare Committee, was read the second time by title and filed for third reading.

H 385, as amended, by Education Committee, was read the second time by title and filed for third reading.

H 406, as amended, by Resources and Conservation Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 386 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

Mr. Clark asked unanimous consent that, pursuant to Rule 22, discussion of **H 180** be allowed in debate of **H 386**. There being no objection, it was so ordered.

The question being, "Shall **H 386** pass?"

Roll call resulted as follows:

AYES -- Andrus, Barrett, Bedke, Bilbao, Black, Boe, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Durst, Hart, Harwood, Killen, King, Labrador, Lake, LeFavour, Luker, Marriott, Moyle, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shirley, Shively, Smith(30), Smith(24), Snodgrass, Trail, Wills, Wood(35). Total -- 40.

NAYS -- Anderson, Bayer, Bell, Block, Bock, Bolz, Bowers, Brackett, Crane, Eskridge, Hagedorn, Henbest, Henderson, Kren, Loertscher, Mathews, McGeachin, Mortimer, Nielsen, Nonini, Pasley-Stuart, Shepherd(02), Shepherd(08), Stevenson, Thayn, Thomas, Vander Woude, Wood(27), Mr. Speaker. Total -- 29.

Absent and excused--Jaquet. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 386** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 400 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

The question being, "Shall **H 400** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Durst, Eskridge, Hart, Harwood, Henbest, Henderson, Killen, King, Labrador, Lake, LeFavour, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Shepherd(02), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Trail, Vander Woude, Wills. Total -- 56.

NAYS -- Barrett, Bayer, Bowers, Crane, Hagedorn, Kren, Loertscher, Shepherd(08), Thomas, Wood(27), Wood(35), Mr. Speaker. Total -- 12.

Absent and excused--Jaquet, Schaefer. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 400** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 445 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Kren to open debate.

The question being, "Shall **H 445** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henderson, Killen, King, Kren, Labrador, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Rusche, Saylor, Schaefer, Shepherd(02),

Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 62.

NAYS -- Bock, Durst, Henbest, LeFavour, Ringo, Ruchti. Total -- 6.

Absent and excused--Jaquet, Lake. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 445** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 392 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Pence to open debate.

The question being, "Shall **H 392** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Durst, Eskridge, Hart, Henbest, Henderson, Killen, King, Lake, LeFavour, Luker, Marriott, Mathews, McGeachin, Mortimer, Pasley-Stuart, Patrick, Pence, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Thomas, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 54.

NAYS -- Barrett, Bayer, Bowers, Crane, Hagedorn, Harwood, Kren, Labrador, Loertscher, Moyle, Nielsen, Nonini, Raybould, Schaefer, Vander Woude. Total -- 15.

Absent and excused--Jaquet. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 392** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 393 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall **H 393** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Harwood, Henbest, Henderson, Killen, King, Kren, Labrador, Lake, LeFavour, Luker, Marriott, Pasley-Stuart, Patrick, Pence, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thomas, Trail, Wills, Wood(27), Mr. Speaker. Total -- 52.

NAYS -- Barrett, Bayer, Bedke, Bowers, Hart, Loertscher, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Raybould, Shepherd(08), Thayne, Vander Woude, Wood(35). Total -- 17.

Absent and excused--Jaquet. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 393** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 394 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Durst to open debate.

The question being, "Shall **H 394** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Durst, Eskridge, Hagedorn, Henbest, Henderson, Killen, King, Lake, LeFavour, Luker, Marriott, Nonini, Pasley-Stuart, Patrick, Pence, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(02), Shirley, Shively, Smith(30), Snodgrass, Stevenson, Thomas, Trail, Wills, Mr. Speaker. Total -- 45.

NAYS -- Barrett, Bayer, Bedke, Bowers, Collins, Crane, Hart, Harwood, Kren, Labrador, Loertscher, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Raybould, Schaefer, Shepherd(08), Thayne, Vander Woude, Wood(27), Wood(35). Total -- 23.

Absent and excused--Jaquet, Smith(24). Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 394** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 440 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

The question being, "Shall **H 440** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused--Jaquet, Smith(24). Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 440** passed the House. Title was approved and the bill ordered transmitted to the Senate.

S 1346 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Brackett to open debate.

The question being, "Shall **S 1346** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused--Jaquet. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1346** passed the House. Title was approved and the bill ordered returned to the Senate.

S 1347 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **S 1347** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Killen, King, Kren, Labrador, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused--Jaquet, Lake, Wood(35). Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1347** passed the House. Title was approved and the bill ordered returned to the Senate.

H 378 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall **H 378** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Killen, King, Kren, Labrador, LeFavour, Luker, Marriott, Mathews,

McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused--Bedke, Jaquet, Lake, Loertscher, Wood(35). Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 378** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 399 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Block and Mrs. Chadderdon to open debate.

The question being, "Shall **H 399** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bell, Black, Block, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Eskridge, Hart, Henbest, Henderson, Killen, King, Lake, LeFavour, Luker, Marriott, Mortimer, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Stevenson, Thayn, Thomas, Trail, Wills, Wood(27), Mr. Speaker. Total -- 49.

NAYS -- Barrett, Bayer, Bilbao, Bowers, Collins, Crane, Durst, Hagedorn, Harwood, Kren, Labrador, Loertscher, Mathews, McGeachin, Moyle, Schaefer, Snodgrass, Vander Woude. Total -- 18.

Absent and excused--Bedke, Jaquet, Wood(35). Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 399** passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that the House recess until 1:15 p.m. Seconded by Mr. Saylor. Motion carried.

Whereupon the Speaker declared the House at recess until 1:15 p.m.

RECESS

Afternoon Session

The House reconvened at 1:15 p.m., Mr. Moyle in the Chair.

Roll call showed 69 members present.

Absent and excused -- Mr. Speaker. Total -- 1.

Total -- 70.

Prior to recess, the House was at the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

H 409 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Labrador to open debate.

The question being, "Shall **H 409** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(35). Total -- 66.

NAYS -- None.

Absent and excused--Boe, Henbest, Wood(27), Mr. Speaker. Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 409** passed the House. Title was approved and the bill ordered transmitted to the Senate.

S 1246 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Nielsen to open debate.

The question being, "Shall **S 1246** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(35). Total -- 67.

NAYS -- None.

Absent and excused--Henbest, Wood(27), Mr. Speaker. Total -- 3.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1246** passed the House. Title was approved and the bill ordered returned to the Senate.

S 1247 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bock to open debate.

The question being, "Shall **S 1247** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(35). Total -- 67.

NAYS -- None.

Absent and excused--Henbest, Wood(27), Mr. Speaker. Total -- 3.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1247** passed the House. Title was approved and the bill ordered returned to the Senate.

H 429 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Mathews to open debate.

Mr. Mathews asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 429**. There being no objection, it was so ordered.

The question being, "Shall **H 429** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total -- 68.

NAYS -- None.

Absent and excused--Kren, Mr. Speaker. Total -- 2.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 429** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 457 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bedke to open debate.

Mr. Bedke asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 457**. There being no objection, it was so ordered.

The question being, "Shall **H 457** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total -- 68.

NAYS -- Shepherd(02). Total -- 1.

Absent and excused-- Mr. Speaker. Total -- 1.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 457** passed the House. Title was approved and the bill ordered transmitted to the Senate.

S 1358 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bayer to open debate.

The question being, "Shall **S 1358** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total -- 69.

NAYS -- None.

Absent and excused-- Mr. Speaker. Total -- 1.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1358** passed the House. Title was approved and the bill ordered returned to the Senate.

HCR 37 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Stevenson to open debate.

The question being, "Shall **HCR 37** be adopted?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet,

Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total -- 68.

NAYS -- None.

Absent and excused--Crane, Mr. Speaker. Total -- 2.

Total -- 70.

Whereupon the Speaker Pro Tem declared **HCR 37** adopted and ordered the resolution transmitted to the Senate.

H 414 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Marriott to open debate.

The question being, "Shall **H 414** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total -- 68.

NAYS -- None.

Absent and excused--Crane, Mr. Speaker. Total -- 2.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 414** passed the House. Title was approved and the bill ordered transmitted to the Senate.

SJM 109 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Nonini to open debate.

The question being, "Shall **SJM 109** be adopted?"

Whereupon the Speaker Pro Tem declared **SJM 109** adopted by voice vote and ordered the memorial returned to the Senate.

S 1284 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bilbao to open debate.

The question being, "Shall **S 1284** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedom, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total -- 67.

NAYS -- Mortimer, Pasley-Stuart. Total -- 2.

Absent and excused-- Mr. Speaker. Total -- 1.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1284** passed the House. Title was approved and the bill ordered returned to the Senate.

S 1338 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Pasley-Stuart to open debate.

The question being, "Shall **S 1338** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedom, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total -- 69.

NAYS -- None.

Absent and excused-- Mr. Speaker. Total -- 1.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1338** passed the House. Title was approved and the bill ordered returned to the Senate.

H 388 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Ms. Henbest to open debate.

The question being, "Shall **H 388** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedom, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen,

Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total -- 69.

NAYS -- None.

Absent and excused-- Mr. Speaker. Total -- 1.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 388** passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Bedke asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Bedke moved that the House adjourn until 10:30 a.m., Thursday, February 14, 2008. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 2:02 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk